



6-1-1999

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## Recommended Citation

Harlan R. Beckley, *Love, Human Dignity, and Justice: Some Legacies from Protestant and Catholic Ethics*, 66 Notre Dame L. Rev. 1053 (1991).

Available at: <http://scholarship.law.nd.edu/ndlr/vol66/iss4/9>

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## ESSAY

### Love, Human Dignity, and Justice: Some Legacies from Protestant and Catholic Ethics

*Harlan R. Beckley\**

Those who have read a biography of Martin Luther King may recall that King was deeply influenced by Walter Rauschenbusch and Reinhold Niebuhr during his studies at Crozer seminary. He was first influenced by Rauschenbusch's social gospel. King later observed that Rauschenbusch "left an indelible imprint on my thinking" and gave "American Protestantism a sense of social responsibility that it should never lose."<sup>1</sup> Taylor Branch reports that when King later read Niebuhr, "[t]he Social Gospel lost a good deal of its glow for him almost overnight."<sup>2</sup> King said reading Niebuhr made him aware of "the reality of sin on every level of man's existence." He remembered that he then "came to feel that liberalism [such as Rauschenbusch's] had been all too sentimental concerning human nature and that it leaned toward a false idealism."<sup>3</sup>

Noting the influence of Rauschenbusch and Niebuhr on King serves two purposes. First, it points out to those who know little about them that these two theologians have had a significant impact on American culture and social institutions. During the periods in which they wrote books and essays and lectured throughout the United States—Rauschenbusch in the first two decades of this century and Niebuhr from the thirties through the fifties—they were dominant figures in American Protestantism. Sec-

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An earlier version of this Essay was presented as a lecture at the Notre Dame Law School. I am grateful to Thomas Shaffer, who holds the Robert and Marion Short Chair of Law at Notre Dame, and John Robinson, Director of the Thomas J. White Center on Law and Government, for jointly sponsoring the lecture. I also thank Louis Hodges, David Millon, Lad Sessions, and Thomas Shaffer for comments on drafts of this essay.

1 M. KING, *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* 37 (J. Washington ed. 1986).

2 T. BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63* 81 (1988).

3 M. KING, *supra* note 1, at 35-36. See also J. ANSBRO, *MARTIN LUTHER KING, JR.: THE MAKING OF A MIND* 172 (1982).

ond, King's response to Rauschenbusch and Niebuhr while he was at Crozer mirrors a similar experience of many Protestant seminarians from the forties through at least the early seventies. I was among them. At Vanderbilt Divinity School in the late sixties, I learned that Rauschenbusch's hope to reform social institutions on the basis of Jesus' love, although laudable, was naively optimistic about how to secure a more just political economy. During the thirties and forties, Niebuhr's appreciation for the depths of sin introduced a realism into Christian ethics that eclipsed Rauschenbusch's supposed idealism about justice. Niebuhr, I came to believe, was right in his view that Jesus' love must be compromised in order to obtain relative justice through a balance of power.

It is highly unlikely that King ever read Monsignor John Augustine Ryan.<sup>4</sup> This omission in King's reading may seem peculiar given Ryan's and King's common passion for Christian social ethics and social action. Ryan was, Charles Curran observes, "the leading figure in American Catholic social ethics in the first half of the twentieth century."<sup>5</sup> To note Ryan's importance for Catholic social ethics does not, however, imply that King was remiss in not reading him. It again reflects the state of education in Protestant seminaries during the fifties and sixties. We did not read much contemporary Catholic moral theology. I did not read Ryan at Vanderbilt and had never heard of him until I learned of James Gustafson's work on Protestant and Catholic ethics.

Gustafson, a leading Protestant theological ethicist, first started lecturing on Protestant and Catholic ethics in the mid-sixties. This work led to his widely read book, *Protestant and Roman Catholic Ethics*, published in 1978. In that volume, Gustafson uses Rauschenbusch and Ryan to illustrate one of the "historic divergences" in Protestant and Catholic ethics. This pairing of Ryan and Rauschenbusch served as a good example for Gustafson. Their overlapping careers display a common interest in social justice and a similar passion for the plight of the working class. They, however, grounded their views of justice on different authorities. Ryan started with the Catholic church's interpretation of human nature and natural law, especially Pope Leo XIII's 1891

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4 Ansbro's study of the intellectual sources of King's strategy on nonviolent resistance contains numerous references to Rauschenbusch and Niebuhr but none to Ryan. See generally J. ANSBRO, *supra* note 3.

5 C. CURRAN, *DIRECTIONS IN FUNDAMENTAL MORAL THEOLOGY* 26 n.17 (1985).

encyclical *Rerum novarum* ("On the Condition of Labor"). In typically Protestant fashion, Rauschenbusch developed his understanding of justice on the basis of scripture, especially the prophets and Jesus as initiators of a great historical movement toward social justice. Gustafson further notes that despite their common interests, Ryan and Rauschenbusch, in keeping with the independence of Catholic and Protestant ethics in their day, seemed only vaguely aware of each others' writings.<sup>6</sup>

Gustafson's work was part of an increasing dialogue between Protestant and Catholic ethics. He had written just enough to tantalize me. Rauschenbusch, Ryan, and Niebuhr were the three most influential Christian ethicists to focus on social justice in the first half of the twentieth century. Despite their common interest in reflecting on justice from a theological perspective, the two Protestants and the Catholic rarely referred to each others' writings. Moreover, there have been few important studies of their views on justice and no influential publications comparing and contrasting their concepts of justice. Perhaps, I thought, there are legacies in this unexamined history that could inform our thinking about justice. With this hope, I undertook an extensive study of justice in the thought of these three Christian ethicists.

As a product of a theological education similar to King's, I expected to find that Rauschenbusch reflected the unwarranted idealism of the theological liberalism of his age. Having read Gustafson, I anticipated discovering a Rauschenbusch who ignored human nature in his appeal to history, *viz.*, to Jesus and the prophets, and a Ryan who neglected historical change in his appeal to human nature. However, history revisited from new perspectives can surprise us.

I now believe Rauschenbusch's theory of justice depended far more on his understanding of human nature than Gustafson appreciated.<sup>7</sup> Moreover, the naturalistic basis of Rauschenbusch's

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6 J. GUSTAFSON, *PROTESTANT AND ROMAN CATHOLIC ETHICS: PROSPECTS FOR RAPPROCHEMENT* 21-25 (1978).

7 An earlier Gustafson essay indicates that Rauschenbusch appealed both to scripture and to human experience to back his understanding of justice. In that essay, the divergence between Rauschenbusch's Protestant ethics based on scripture and Ryan's Roman Catholic natural law ethics is not cast as sharply as it is in *PROTESTANT AND ROMAN CATHOLIC ETHICS*. See Gustafson, *From Scripture to Social Policy and Social Action*, 9 *ANDOVER-NEWTON BULL.* 160 (1969). According to Gustafson, a Catholic moral theologian who heard the lecture version of that essay quipped, "It sounds like natural law to me." Letter from James M. Gustafson to Harlan R. Beckley (Aug. 23, 1990) (copy on file with author).

understanding of Jesus' ethic of love makes his concept of justice more realistic than Niebuhr recognized. Ryan's theory of justice, when compared to Rauschenbusch's, gave scant attention to change. The significance of redemptive forces in history, which Rauschenbusch learned from scriptures, was not a factor in Ryan's thinking about justice. Nevertheless, the impact of his economic studies on his understanding of natural law enabled Ryan to revise rigid Catholic interpretations of natural law, especially the right to private property. I contend that the theories of justice developed by Ryan and Rauschenbusch have more in common with each other than either has with Niebuhr's. Finally, I believe that Rauschenbusch and Ryan formulated similar views of justice founded upon the normative significance of the dignity or sacredness of individuals in communal solidarity. On the basis of this notion of human dignity, justice requires institutions that afford individuals opportunities to develop their natural capacities for excellences of character. This notion of opportunity poses a significant challenge to our economic and educational institutions. It is worth retrieving.

Just as King, after reading Niebuhr, began his assessment of Rauschenbusch from the perspective of Niebuhr's Christian realism, so my analysis of Rauschenbusch and Ryan started with Niebuhr. Let us also begin there.

In 1915, Niebuhr graduated from Yale flushed with the theological liberalism of that period. He began a thirteen year ministry to a middle-class congregation in Detroit. During his ministry, Niebuhr became increasingly indignant about injustices that the United States economic system imposed on the laboring class. He gained notoriety for attacks on Henry Ford's claim to have made industry more humane by his management practices.<sup>8</sup> By 1928, when he came to New York to teach Christian ethics at Union Theological Seminary, Niebuhr believed that justice required a new economic order and that theological liberalism was ill-equipped to contribute to this needed transformation.

He had not yet abandoned the hope that economic justice could be achieved by applying the idealism of Christian love. The trouble with theological liberalism was not its idealism. Liberalism was failing, Niebuhr maintained, because it did not recognize that

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8 See R. FOX, REINHOLD NIEBUHR: A BIOGRAPHY 94-98 (1985). See also R. NIEBUHR, LOVE AND JUSTICE 98-108 (D. Robertson ed. 1957) [hereinafter LOVE AND JUSTICE], for two of the three essays Niebuhr published in *The Christian Century*.

the Christian ideal demanded a transformation of the American industrial order. In 1927, Niebuhr still asserted that the dignity of every personality could be safeguarded in the industrial order by the application of a "robust love." This love could "overcome momentary disappointments" and subdue "evil by its unswerving confidence in the good."<sup>9</sup> The redemptive force for justice, wrote Niebuhr, "is a faith which defies the real in the name of the ideal, and subdues it."<sup>10</sup>

Niebuhr's hope for justice through a forceful application of the ideal of Christian love did not withstand the events of the early thirties and his exposure to new thinking during his first years at Union. By 1932, Niebuhr had come to believe that the ethic of love was not directly applicable to matters of justice. The problem with the idealism of social ethics based on Jesus' ethic of love was not that it required a life incongruent with natural human capacities. The ideal of love Jesus embodied was what God as creator intended for humans. Nevertheless, the tremendous gulf between that love and our actual sinfulness made it impossible to secure justice by applying the ethic of Jesus to the social order.

In *Moral Man and Immoral Society*, the seminal book for his Christian realism, Niebuhr perceived a new depth to human sinfulness. Humans, wrote Niebuhr, are characterized by a will-to-power that makes the "universal character" of their "imperial dreams inevitable."<sup>11</sup> Unlike other animals, we humans do not stop with selfish assertions of our will for mere self-preservation. While the conquests of a beast of prey will cease when "its maw is crammed," humans have an insatiable appetite for power over others.<sup>12</sup> The waves from this sin engulf all human capacities for justice, including reason. So-called rational principles of justice, including Catholic natural law, are corrupted by self-deception and hypocrisy. They actually become instruments for perpetuating injustice.<sup>13</sup> Thus moral reason has little capacity for ameliorating injustice.<sup>14</sup> Despite the title of this book, which Niebuhr later retracted,<sup>15</sup> this inevitable sinfulness is rooted in the character of

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9 R. NIEBUHR, DOES CIVILIZATION NEED RELIGION? 42 (1927).

10 *Id.* at 45.

11 R. NIEBUHR, MORAL MAN AND IMMORAL SOCIETY 44 (1932) [hereinafter MORAL MAN].

12 *Id.*

13 *Id.* at 117.

14 *Id.* at 141.

15 In R. NIEBUHR, MAN'S NATURE AND HIS COMMUNITIES 22 (1965), Niebuhr im-

individuals and not in society. This sin, however, manifests itself most intractably in the will-to-power of groups, such as the capitalist class. In the face of this drive for domination, the idealism of Jesus' love is ineffectual. If, for example, the capitalists' accumulation of power and wealth is not checked by a countervailing power, those who practice Christian love will be trod upon by the advances of injustice.

Niebuhr retained, even heightened, the idealism of Jesus' love. The ideal of love is total disinterestedness (Niebuhr later called it self-sacrificial love).<sup>16</sup> By disinterestedness, Niebuhr meant a willingness to submit to any demands or yield to any claims rather than to assert interests, even just interests, against another.<sup>17</sup> This ideal for individuals also entails a social ideal. The social ideal of love is anarchy (*i.e.*, absolute freedom) and communism (*i.e.*, absolute equality) in a frictionless harmony of social relations.<sup>18</sup> Niebuhr would later state this social ideal as the transcendent principles of liberty, equality, and peace;<sup>19</sup> but these principles could not be applied, at least not directly, to the struggle for justice under the actual conditions of human sinfulness. The ethic of Jesus is, Niebuhr wrote, "above the area of social ethics."<sup>20</sup> For Niebuhr as Christian realist, the social dimension of love was an impossible ideal to be approximated, not a criterion for discriminating between just and unjust human interests.

Given this unbridgeable gulf between actual human sinfulness and the Christian ideal for justice,<sup>21</sup> Niebuhr concluded that the best hope for approximating the ideal was a strategy of balancing powerful interests against each other. Political power and even

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plied that "The Not So Moral Man in His Less Moral Communities," would have been a better title for his 1932 book.

16 2 R. NIEBUHR, *THE NATURE AND DESTINY OF MAN: HUMAN DESTINY* 70-76 (1943).

17 MORAL MAN, *supra* note 11, at 264.

18 See LOVE AND JUSTICE, *supra* note 8, at 32, for the social ideal of love as anarchy and communism without coercion, and 1 R. NIEBUHR, *THE NATURE AND DESTINY OF MAN: HUMAN NATURE* 265-300 (1943) [hereinafter HUMAN NATURE], for a discussion of the social ideal contained in the myth of the original perfection of humans (especially at 295 for perfect harmony and at 297 for complete liberty and equality).

19 Niebuhr, *The Problem of a Protestant Social Ethic*, 15 UNION SEMINARY Q. REV., Nov. 1959, at 1.

20 LOVE AND JUSTICE, *supra* note 8, at 31.

21 James Gustafson cites this tension "between the ideal and the actual" as the "overarching moral frame of reference" for Niebuhr's theological ethics. See Gustafson, *Theology in the Service of Ethics: An Interpretation of Reinhold Niebuhr's Theological Ethics*, in REINHOLD NIEBUHR AND THE ISSUES OF OUR TIME 38 (1980).

class violence were crucial instruments for this strategy. Love remained useful to temper the human penchant for a vengeful destruction of other groups, but the direct application of love to social ethics could only hinder progress toward the relative justice that is attainable in history. The dignity of the personality, to which Niebuhr was earlier committed, now became an attenuated symbol of liberalism.<sup>22</sup> From this perspective, Rauschenbusch's attempt to base justice on Jesus' love appeared to be naive sentimentalism. Had Niebuhr commented on Ryan's use of natural law to discriminate among just and unjust human interests, he would have noted how the natural law is vulnerable to becoming a tool of capitalists' insatiable desire for unjust privilege.<sup>23</sup> For Niebuhr, the task of justice was to use whatever means are effective in setting right the imbalance of power between the capitalist and proletarian classes. This strategy left little room for Niebuhr to consider whether economic institutions offered opportunities for individuals to develop their natural capacities for excellences of character. Niebuhr's focus was on how to achieve equality of power, income, and wealth, not on how economic institutions affect personal growth and cooperation.

Niebuhr was a qualified Marxist during the thirties. He concluded that given the power of capitalists, the only hope for a balance of power was state ownership of productive property. Democratic reform was unlikely to achieve this socialism.<sup>24</sup> As late as 1938, Niebuhr still referred to the New Deal as a "whirligig reform."<sup>25</sup> Thus, Niebuhr calculated that Christian support for the mission of the Marxist proletariat was warranted. Despite dangers inherent in its illusion about achieving perfect justice through revolution, support for the proletarian mission was justified because of its "strategic importance" for "rebuilding society."<sup>26</sup>

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22 Niebuhr, *Christianity Today*, N.Y. Herald Trib., Sept. 17, 1933, § 7, at 18.

23 See HUMAN NATURE, *supra* note 18, at 281, for one example of Niebuhr's criticism of Catholic natural law and how it can become a "vehicle of human sin."

24 MORAL MAN, *supra* note 11, at 219.

25 Quoted in Schlesinger, *Reinhold Niebuhr's Role in American Political Thought and Life* in REINHOLD NIEBUHR: HIS RELIGIOUS AND POLITICAL THOUGHT 189, 206 (C. Kegley 2d ed. 1984).

26 *Id.* at 157. During this period, Niebuhr wrote several essays on a Christian strategy of backing the Marxist mission of the proletariat. One of the most comprehensive and thoughtful is Niebuhr, *Christian Politics and Communist Religion* in CHRISTIANITY AND THE SOCIAL REVOLUTION 442-72 (J. Lewis, K. Polanyi & D. Kitchin eds. 1936). His support for the Marxist proletarian mission reflects Niebuhr's lack of confidence that democratic procedures and the legal systems in capitalist societies could be used to achieve



Niebuhr's strategy for achieving relative justice changed dramatically through the forties and fifties. He still sought a Christian-realist balance of power. But successes of the New Deal, failures in the Soviet Union, a deepening application of his view of sin, and a growing appreciation for ironies in history beyond human control persuaded Niebuhr that his support for Marxism had been mistaken. He came to believe that democracy and a mixed capitalist economic system held the best hope for a relatively just balance of power.<sup>27</sup> In 1957, the year King formed the Southern Christian Leadership Conference, Niebuhr wrote that the New Deal achievement of balancing power between labor and business "solves the over-all problem of justice."<sup>28</sup> Niebuhr did not mean that the social ideal of love had been established in America or that the struggle for approximating justice was over. Nevertheless, the absence of principles of justice that could discriminate between just and unjust interests left Niebuhr without resources for proposals to reform the relative balance of power that the New Deal had established.

During the thirties, while Niebuhr denigrated New Deal efforts at reform, Ryan endorsed Roosevelt's efforts to salvage the American economic system. (Francis Broderick entitled his biography of Ryan *The Right Reverend New Dealer*.<sup>29</sup>) Ryan's support for the New Deal was grounded in a theory of justice he had formulated during the first two decades of this century.

Two principal sources shaped Ryan's theory of justice. The first was his home, from which Ryan received his passion for justice. He grew up in a community of Irish immigrant farmers in Minnesota after the Civil War. Ryan later recalled that his father paid twelve percent interest on a twenty-year farm mortgage during that period of deflationary economic policies.<sup>30</sup> Not surpris-

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economic justice. He opposed allegiance to strictly constitutional means of reform. "[E]very legal system," wrote Niebuhr, "must be regarded as a rationalization of a given equilibrium of political and economic power and can therefore hardly be a perfect instrument for changing the equilibrium." Niebuhr, *A New Strategy for Socialists*, 16 *WORLD TOMORROW* 490, 491 (Aug. 1933). See also Niebuhr, *After Capitalism—What?*, 16 *WORLD TOMORROW* 204 (Mar. 1933).

27 See generally R. NIEBUHR, *THE IRONY OF AMERICAN HISTORY* (1952).

28 P. MERKLEY, *REINHOLD NIEBUHR: A POLITICAL ACCOUNT* 178 (1975) (quoting Niebuhr, *The Teamsters and Labor's Future*, *NEW LEADER* (Aug. 26, 1957)).

29 F. BRODERICK, *THE RIGHT REVEREND NEW DEALER: JOHN A. RYAN* (1963).

30 J. RYAN, *SOCIAL DOCTRINE IN ACTION: A PERSONAL HISTORY* 6 (1941) [hereinafter *SOCIAL DOCTRINE*]. See also F. BRODERICK, *supra* note 29, at 8-9.

ingly, Ryan voted Populist in the 1892 Presidential election<sup>31</sup> and became deeply interested in economic studies at an early age. The second source for Ryan's understanding of justice was his Catholic heritage in theology. Ryan's thinking about justice was shaped by the renaissance of Catholic interest in Thomistic moral theology. When he read Pope Leo's *Rerum novarum* in 1894, "his career stretched out before him," wrote Broderick.<sup>32</sup> Ryan believed *Rerum novarum* authorized state intervention to secure a living wage for laborers. Equally as important, it authorized his application of the Catholic concepts of human dignity and natural law to issues of economic justice. Thereafter, Broderick reports, Pope Leo's understanding of natural law was at the core of Ryan's social philosophy.<sup>33</sup>

Neither the ideal of Jesus' love nor the reality of sin were crucial to Ryan's theory of justice. He grounded justice on the dignity of every human, a dignity confirmed in our rational knowledge of human nature.

This Catholic concept of human dignity differs significantly from Immanuel Kant's. Kant wrote that "autonomy is the ground of the dignity of human nature."<sup>34</sup> For Ryan, dignity is based on the potential of human nature to develop toward its "proximate end." Rational human nature contains within it an ideal for "the development and perfection of the personality."<sup>35</sup> The purpose of justice is not primarily to protect individual autonomy; it is to secure for each person the means essential for her development toward this ideal of perfection. Protection for individual freedoms is not required unless these freedoms are essential for proper self-development. Moreover, justice may interfere with one person's autonomy in order to distribute to others what they need to develop toward the proximate end of human nature. The right to a living wage, for example, limits individuals' freedom to negotiate wage contracts in order to secure for all persons the material means for proper self-development. It is not respect for individual autonomy that safeguards an individual's dignity, but, as Ryan puts it, "the opportunity of pursuing self perfection through the

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31 SOCIAL DOCTRINE, *supra* note 30, at 18.

32 F. BRODERICK, *supra* note 29, at 19.

33 *Id.* at 21.

34 I. KANT, *Grounding for the Metaphysics of Morals*, in ETHICAL PHILOSOPHY 41 (J. Ellington trans. 1983).

35 J. RYAN, THE NORM OF MORALITY: DEFINED AND APPLIED TO PARTICULAR ACTIONS 16 (1944).

harmonious development of all of his faculties . . . . [M]an shall have the opportunity of becoming not only physically stronger, but intellectually wiser, morally better, and spiritually nearer to God."<sup>36</sup> Ryan explicitly distinguished this formulation of justice from Kant's.<sup>37</sup>

Unlike Niebuhr, for whom the ideal of love renders all assertions of interests partially corrupt, Ryan would protect natural interests in self-development and restrict interests that hinder opportunities for others to develop. Ryan saw no need for revolutionary socialism to redress an imbalance of power. He sought legislative and institutional reforms that would provide opportunities for every person to develop excellences of character. These reforms, Ryan believed, could be achieved by appealing to the rational nature of persons who could enforce the natural law. The Protestant notion of sin that shaped Niebuhr's cynicism regarding rational principles of justice never shook Ryan's Catholic confidence in the capacity of humans to know and act on God's ordering of nature.

Ryan was not, however, just another Catholic natural law theorist. To the method of deducing rights and principles from human rational nature, Ryan added a consequentialist element of prudence (he called it "expediency") based on his economic studies.<sup>38</sup> Extensive study of economics led Ryan to consider how economic institutions bear upon the dignity of individuals. Concern for what he variously called "human welfare," "social justice," and "common good,"<sup>39</sup> directed Ryan's attention to how the

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36 J. RYAN, *DISTRIBUTIVE JUSTICE: THE RIGHT AND WRONG OF OUR PRESENT DISTRIBUTION OF WEALTH* 273 (3d ed. 1942) [hereinafter *DISTRIBUTIVE JUSTICE*].

37 See J. RYAN, *A LIVING WAGE: ITS ETHICAL AND ECONOMIC ASPECTS* (1906) [hereinafter *LIVING WAGE*]. According to Ryan, Kant's formula for individual rights was "that a person has a right to do everything that does not interfere with the equal liberty for others." *Id.* at 64. "The true formula," Ryan held, is "that the individual has a right to all things that are essential to the reasonable development of his personality." *Id.* at 65. John Ladd translates Kant's general principle of justice: "Every action is just [right] that in itself or in its maxim is such that the freedom of the will of each can coexist together with the freedom of everyone in accordance with universal law." I. KANT, *THE METAPHYSICAL ELEMENTS OF JUSTICE* 35 (J. Ladd trans. 1965).

38 See C. CURRAN, *AMERICAN CATHOLIC SOCIAL ETHICS: TWENTIETH-CENTURY APPROACHES* 88-91 (1982) (providing a brief account of Ryan's emphasis on "expediency").

39 Early in his career Ryan used the term "human welfare" to designate this concern for how economic institutions affect individual dignity. After Pope Pius XI issued *Quadragesimo Anno* in 1931, Ryan thought the Pope's term "social justice" expressed the same content as "human welfare," only "better and more accurately." See *DISTRIBUTIVE JUSTICE*, *supra* note 36, at 188. For several essays on the concept of social justice and its close relation to a concern for the common good, see J. RYAN, *SEVEN TROUBLED YEARS:*

whole economic system affected the means essential for individual self-development. Thus, Ryan criticized Catholic just price and wage theories for focusing narrowly on contracts.<sup>40</sup> He argued that just wages can be determined only by considering factors extrinsic to the contract. Justice in wages necessarily includes the social obligation of employers to provide the wages families need to develop their natural capacities.<sup>41</sup> Moreover, Ryan rejected claims that the right to private property is an end in itself. This right is justified only insofar as the consequences of private property as a "*social institution*" are necessary for individuals to develop.<sup>42</sup>

This empirical and consequentialist side to Ryan's theory of justice generally led him to support more radical reforms than many of his fellow Catholics supported. During his early years teaching at St. Paul's Seminary in Minnesota, and later as professor of moral theology and industrial ethics at Catholic University, Ryan labored actively for legislation requiring employers to pay a living wage. Wages paid to the head of a household ought to be sufficient for every member of a family to perfect his or her rational nature. These wages were essential for individual self-development; unrestricted property rights and the liberty to negotiate contracts were not essential for the employer's self-development. As Ryan expanded his consideration of how economic institutions bear upon human dignity, his proposals for reform became more radical. By the thirties, spurred on by Pope Pius' concept of social justice and Roosevelt's New Deal, Ryan persistently advocated his proposals for redistributing purchasing power, for industrial democracy, and for the occupational group system. By industrial democracy, he meant labor sharing in management, profits, and ownership. The occupational group system was a plan for industry-wide cooperation between business and labor.<sup>43</sup> These proposals were intended to usher in a "new social order," an order that

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1930-1936 (1937) [hereinafter SEVEN TROUBLED YEARS].

40 LIVING WAGE, *supra* note 37, at 97-98; DISTRIBUTIVE JUSTICE, *supra* note 36, at 311-12.

41 See DISTRIBUTIVE JUSTICE, *supra* note 36, at 282-84.

42 *Id.* at 48 (emphasis in original). See generally *id.* at 45-49. See also C. CURRAN, *supra* note 38, at 44-46 for an account of how this empirical and consequentialist justification for the right to private property differs from Pope Leo's encyclical.

43 The best sources for Ryan's discussion of these two proposals are several essays in SEVEN TROUBLED YEARS, *supra* note 39, and J. RYAN, A BETTER ECONOMIC ORDER 148-90 (1935) [hereinafter ECONOMIC ORDER].

would replace the competitive and selfish spirit of "historical capitalism"<sup>44</sup> with economic institutions that would encourage individual self-development. This new economic order, Ryan claimed, "would provide all the freedom and opportunity that the individual needs in order to develop his personality."<sup>45</sup>

Ryan, true to his Catholic heritage, never seriously considered backing the mission of the Marxist proletariat. He was a public advocate for the New Deal, though he constantly encouraged Roosevelt to take bolder steps to redistribute purchasing power and to refurbish the National Recovery Administration.<sup>46</sup> When the Fair Labor Standards Act established a federal minimum wage of forty cents per hour in 1938, Ryan rejoiced. The Act endorsed the principle of a living wage, a cause for which Ryan had struggled for thirty-six years.<sup>47</sup> Ryan, however, did not believe that the

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44 For Ryan's account of the spirit and philosophy of capitalism that he deemed corrupt, see J. RYAN, *The Philosophy of Capitalism*, in SEVEN TROUBLED YEARS, *supra* note 39, at 121. It was this "historical capitalism", not the whole institution of private productive property, that he deemed "bankrupt" and "excluded by . . . *Quadragesimo Anno*." J. RYAN, *A New Economic Order*, in SEVEN TROUBLED YEARS, *supra* note 39, at 183.

45 *Id.* at 184. The passage also appears in ECONOMIC ORDER, *supra* note 43, at 183.

46 Ryan served on the three-person Industrial Appeals Board of the National Recovery Administration until the National Industrial Recovery Act was declared unconstitutional in 1935 in what came to be known as the "sick chicken" case. See *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935). Ryan did not offer an extensive counter-argument to the Court's opinion, as he had to earlier opinions. A counter-argument must have seemed futile. The unanimous decision in *Schechter* included Justice Brandeis, whom Ryan respected for his willingness to permit restrictions on the market in other cases. See, e.g., *Muller v. Oregon*, 208 U.S. 412 (1908). For Ryan's response to the *Schechter* decision, see F. BRODERICK, *supra* note 29, at 218-19. Ryan, however, did not abandon hope for re-establishing the NRA in revised form. He believed a refurbished version of the NRA could reorder industry in accord with his proposal for an occupational group system. See, e.g., J. RYAN, *The Proper Field of Public Ownership*, in SEVEN TROUBLED YEARS, *supra* note 39, at 222.

47 SOCIAL DOCTRINE, *supra* note 30, at 259-60. Unlike Niebuhr, Ryan had confidence that justice could be achieved through legislation and the courts. He believed reasoned appeals to natural law could persuade voters, politicians, and judges to support just laws. There is no better illustration of this confidence than Ryan's life-long struggle for a living wage. In 1923 the Supreme Court declared a Washington, D.C. minimum wage statute unconstitutional because it violated the due process clause of the fifth amendment. See *Adkins v. Children's Hosp.*, 261 U.S. 525 (1923). Ryan responded with a 56-page pamphlet criticizing Justice Sutherland's majority opinion. J. RYAN, *THE SUPREME COURT AND THE MINIMUM WAGE* (1923). Instead of appealing beyond the law to a proletarian mission or even to the American labor movement, Ryan argued that the Court had misinterpreted the Constitution. The fifth amendment, he maintained, does not specify the right to free contracts. Legislatures ought to have the prerogative to act when they do not explicitly contradict the Constitution. In today's parlance, Ryan accused the conservative court of judicial activism, arguing that the Court "judged the 'reasonableness' of the law in light of their own opinions on ethics and social philosophy." *Id.* at 25. He also observed that the Court had based its judgment on an Eighteenth-century individualistic

New Deal solved the overall problem of justice. At his seventieth birthday party in 1939, attended by dignitaries from the Roosevelt Administration, Ryan observed that the most perplexing economic problems—redistribution of purchasing power and reorganization of the industrial system—remained unresolved.<sup>48</sup> From Ryan's natural law perspective, the economic system of the United States should be measured by whether its institutions provided an opportunity for each person to develop her natural capacities. It did not pass muster.<sup>49</sup>

With that judgment, Walter Rauschenbusch would have concurred. Rauschenbusch, however, did not ground his understanding of justice on a concept of rational human nature. Nor did his passion for justice emerge naturally from his upbringing. He was born into the home of a Baptist professor at Rochester Theological Seminary. Educated in Germany and Rochester without having experienced economic deprivation, Rauschenbusch, in 1886, arrived at his first pastorate. It was in the section of New York known as Hell's Kitchen. He was distinctly unprepared to deal with the numbing poverty he encountered. He did come to New York with a strong dose of a Baptist's faith that individual Christian participation in Christ could, in his words, "help to redeem humanity."<sup>50</sup> Rauschenbusch never abandoned the centrality of Christ for the Christian moral life or his faith that Christ could redeem humanity. The divine personality of Jesus of Nazareth, not rational human nature, was the foundation for his thinking about justice.

The poverty he discovered in New York did, however, compel Rauschenbusch to revise his theological heritage. He later recalled

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theory of rights rather than natural law. Natural law allows restrictions on contracts to secure a decent livelihood for all. *See id.* at 24-43.

Even during this period when law was seemingly a barrier to Ryan's idea of justice, he believed moral and legal arguments were the most appropriate means to secure justice. Ryan, in his autobiography, proudly recounted his participation in this judicial dispute and observed that he knew more about the *Adkins* decision "than the overwhelming majority of lawyers." *SOCIAL DOCTRINE*, *supra* note 30, at 221. He expressed gratification that in *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937), the Court had upheld his interpretation of the Constitution, with Justice Hughes authoring the opinion that explicitly overturned *Adkins*. *See id.* at 222 & n.6.

<sup>48</sup> *Id.* at 280.

<sup>49</sup> For a more extensive interpretation of Ryan, see Beckley, *The Legacy of John A. Ryan's Theory of Justice*, 31 AM. J. JURIS. 61 (1988).

<sup>50</sup> Rauschenbusch, *The Kingdom of God*, in *THE SOCIAL GOSPEL IN AMERICA: 1870-1920* 265 (R. Handy ed. 1966) [hereinafter *Kingdom of God*].

coming to New York to save souls with "no idea of social questions."<sup>51</sup> But, this idea of Christian mission dissolved in the face of abject poverty, poverty that Rauschenbusch often described in personal terms. He remembered strong men begging for jobs they were unable to get. He remembered children dying.<sup>52</sup> But a personal response to poverty was insufficient. Rauschenbusch soon became involved in Henry George's mayoral campaign, changed his reading to focus on social sciences, and united with some like-minded Baptist ministers to publish a monthly paper, *For the Right*, which endorsed Christian socialism.<sup>53</sup>

Still, Rauschenbusch did not see immediately how to connect these social concerns to his religious life. He remembered that for a time he had a "personal religion" and a "social outlook" but no way to connect them.<sup>54</sup> Finally, Rauschenbusch discovered in the idea of the kingdom of God, a unity he described as "the whole aim of Christ." It embraced "the sanctification of all life, the regeneration of humanity, and the reformation of all social institutions."<sup>55</sup> This theological idea became the organizing principle for Rauschenbusch's theory of justice.

Fifteen years later, as professor of church history at Rochester Seminary, Rauschenbusch wrote in the introduction to *Christianity and the Social Crisis*, his first important book, that the essential purpose of Christianity is to transform society into the kingdom of God that Jesus had implanted into history.<sup>56</sup> It might seem that Rauschenbusch applied Jesus' ideal of love directly to the social order—an idealism Niebuhr later warned against—and totally separated justice from natural human inter-

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51 Quoted in *The Genesis of "Christianity and the Social Crisis,"* 69 ROCHESTER THEOLOGICAL SEMINARY BULL.: THE RECORD 51, 51 (Nov. 1918).

52 *Kingdom of God*, *supra* note 50, at 265-66.

53 For biographical information about Rauschenbusch, see P. MINUS, WALTER RAUSCHENBUSCH: AMERICAN REFORMER (1988); D. SHARPE, WALTER RAUSCHENBUSCH (1942). Minus's is the most recent and best biography. Sharpe provides an account of the change in Rauschenbusch's reading patterns. *Id.* at 64-65.

54 *Id.* at 266.

55 W. RAUSCHENBUSCH, *The Pulpit in Relation to Political and Social Reform*, in A RAUSCHENBUSCH READER: THE KINGDOM OF GOD AND THE SOCIAL GOSPEL 146 (1957). For Rauschenbusch's own report of how he discovered unity in the idea of the kingdom of God, see W. RAUSCHENBUSCH, CHRISTIANIZING THE SOCIAL ORDER 93-94 (1912) [hereinafter CHRISTIANIZING].

56 W. RAUSCHENBUSCH, CHRISTIANITY AND THE SOCIAL CRISIS xiii (1908) [hereinafter SOCIAL CRISIS]. For a clear statement of the divine and miraculous origins of the kingdom in Jesus, see W. RAUSCHENBUSCH, THEOLOGY FOR THE SOCIAL GOSPEL 139-40 (1917).

ests—a separation Ryan rejected. Yet, this reading of Rauschenbusch fails to account for his distinctive interpretation of Jesus and the kingdom of God in history. He interpreted them in light of the Darwinian evolutionary theory and sociology of his day.<sup>57</sup> Rauschenbusch perceived neither Jesus' understanding of the kingdom nor of love as utopian ideals divorced from the evolving natural interests of humans.

First, Christian love is not pure disinterestedness. Rooted in sexual love and familial affections, love is "an instinctive realization of solidarity."<sup>58</sup> "Love," Rauschenbusch wrote, "is the force that draws man and man together, the great social instinct of the race."<sup>59</sup> Second, Jesus' ethic of the kingdom did not reject this natural instinct; Jesus built upon it. Rauschenbusch commented that Jesus "tried to energize the faculty and habits of love and to stimulate the dormant faculty of devotion to the common good."<sup>60</sup> Finally, Jesus' redemption of this natural interest in solidarity did not abolish more self-oriented interests. "The self-interest of the individual is a necessary part of human nature . . . . It would be a calamity to rob this instinct of its incentives . . . . We want free, strong, self-reliant men . . . ."<sup>61</sup> Instincts such as self-preservation and even acquisitiveness are useful for society. The trouble, thought Rauschenbusch, is that such self-interests are distended and need to be contracted into a healthy balance with the instinct for solidarity.<sup>62</sup> This, of course, was not Niebuhr's view either of Jesus' ethic or of Christian love. Niebuhr asserted years later that Rauschenbusch understood neither the "height of the pinnacle of love" nor the "power and persistence of man's self-concern."<sup>63</sup>

57 For the claim that aspects of Darwinian evolutionary theory influenced Rauschenbusch's social analysis, see Davis, *The Impact of Evolutionary Thought on Walter Rauschenbusch*, 21 FOUNDATIONS 254, 254-71 (1978). Rauschenbusch studied Darwinist thought under the tutelage of Harrison Webster, whose influence Rauschenbusch acknowledged, at the University of Rochester in 1883. See P. MINUS, *supra* note 53, at 36-38.

58 W. RAUSCHENBUSCH, DARE WE BE CHRISTIANS? 22-35 (1914).

59 CHRISTIANIZING, *supra* note 55, at 262.

60 SOCIAL CRISIS, *supra* note 56, at 68.

61 CHRISTIANIZING, *supra* note 55, at 290.

62 For discussions of the instincts for self-preservation and acquisitiveness, see SOCIAL CRISIS, *supra* note 56, at 309-10; W. RAUSCHENBUSCH, THE SOCIAL PRINCIPLES OF JESUS 118, 124 (1916) [hereinafter SOCIAL PRINCIPLES OF JESUS].

63 R. NIEBUHR, *Walter Rauschenbusch in Historical Perspective*, in FAITH AND POLITICS 39, 40 (R. Stone ed. 1968).



On this interpretation of Jesus' love and redemptive influence in history, Rauschenbusch summarized the social principles of Jesus as the sacredness of the individual personality and human solidarity, especially solidarity with the poor.<sup>64</sup> Nevertheless, he did not apply these social ideals directly to issues of justice. For ideals to be powerful, they must take root in a society's institutions and movements. Hence, Rauschenbusch traced the waxing and waning of these ideals through history, especially in the social forces that were advancing or impeding the kingdom of God in the American industrial context. In *Christianizing the Social Order*, Rauschenbusch argued that democratic trends in the family, church, education, and government are positive forces for justice. They are, he contended, in a struggle with an autocratic and unregenerate economic order. On this analysis, Rauschenbusch concluded that the goal of a Christian conception of justice is "a human environment in which the [natural] life of man could unfold in freedom and strength." This goal requires an industrial order "organized to give to all the maximum opportunity of a strong and normal life."<sup>65</sup>

Rauschenbusch, like the Catholic Ryan, believed that justice requires institutions that offer each individual opportunities to develop natural interests into excellences of character. His Protestant starting point in the redemptive influence of Jesus in history did, however, distinguish Rauschenbusch from Ryan in one important respect. For Ryan, God's order can be discerned by rational persons without aid from God's grace. Further, that order allows for every individual's rights to be satisfied. There is little need to sacrifice individual rights for a future goal. For Rauschenbusch, God's ordering of nature is realized and known only through the redemptive influence of Jesus.<sup>66</sup> This emphasis on the dynamic and redemptive character of the divine ordering made Rauschenbusch more willing than Ryan to sacrifice individual rights for the sake of future justice. For example, he forthrightly observed that the reorganization of property would cause some innocent suffering. He nevertheless concluded that, in our highly interdependent world, innocent suffering is required because of

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64 See SOCIAL PRINCIPLES OF JESUS, *supra* note 62, at 1-46. For summaries, see *id.* at 38-44, 190-93.

65 CHRISTIANIZING, *supra* note 55, at 327-28.

66 For an account of Rauschenbusch's understanding of God's ordering through Jesus Christ, see W. RAUSCHENBUSCH, *Religion: The Life Of God In The Soul of Man*, in WALTER RAUSCHENBUSCH: SELECTED WRITINGS 122 (W. Hudson ed. 1984).

the sins of the dead.<sup>67</sup> Rauschenbusch believed that socially effective suffering of innocents can be consistent with a just God's ordering of the world if it "helps to redeem the rest [of humanity] from a social evil."<sup>68</sup>

Rauschenbusch's analysis of redemptive social forces in history led him to favor reforms more sweeping and radical than Ryan's. Like Ryan, and unlike Niebuhr in the thirties, he relied heavily upon democratic government as a vehicle for reform. But unlike Ryan, Rauschenbusch never made an issue so specific as legislation for a living wage the centerpiece of his reforming proposals. He depended on the labor and socialist movements, supported by the church, to enforce a whole set of coherent reforms through democratic government.<sup>69</sup> He sought the elimination of specific privileges of the capitalist class, a version of industrial democracy similar to the one Ryan proposed in the thirties, and the "socialization" of property in order that it might serve the public good.<sup>70</sup> Different strategies for securing justice and Rauschenbusch's willingness to call himself a socialist make it easy to overestimate differences in the policies that Rauschenbusch and Ryan advocated. Rauschenbusch, like Ryan, sought policies that would foster opportunities for individuals to develop in the context of solidarity with others. For example, he maintained that the eradication of capitalist privileges would afford laborers the "op-

67 See CHRISTIANIZING, *supra* note 55, at 429.

68 SOCIAL PRINCIPLES OF JESUS, *supra* note 62, at 179-80. For a similar treatment of divine redemptive justice and innocent suffering, see W. RAUSCHENBUSCH, A THEOLOGY FOR THE SOCIAL GOSPEL 183-84 (1917). This emphasis on social redemption led Rauschenbusch to advocate policies inconsistent with the sacredness of the personality, which he claimed was the first social principle of Jesus. Unlike Ryan, who viewed the rights associated with individual human dignity as nearly inviolate, Rauschenbusch, despite his statement to the contrary, really understood the sacredness of the personality as a goal to be achieved rather than as an inviolate principle.

69 Although Rauschenbusch, unlike Niebuhr during the thirties, was confident that justice could progress through democratic action to change the law, he did not address moral and legal arguments to politicians and the courts. Rauschenbusch called United States courts "the chief props of social maladjustment" and asserted that "[n]ations die of legalized injustice." CHRISTIANIZING, *supra* note 55, at 3, 333. Rauschenbusch never employed Ryan's tactic of engaging jurists in debates about interpreting the law. His hope was that the "inferior classes" would "resist or shake off the clutch of injustice" through democratic movements to reform the law and judicial system. *Id.* at 333.

70 Rauschenbusch's most extensive discussion of policies appears in the last two parts of CHRISTIANIZING, *supra* note 55, at 324-476. Though Rauschenbusch favored eventual public ownership of much of productive property, he was not a dogmatic socialist. By "socializing" property, he meant making it "serve the public good." *Id.* at 420.

portunity to develop their gifts."<sup>71</sup> Nor did Rauschenbusch separate this development from healthy self-interest. Economic democracy, he argued, would stimulate workers' initiative and interest in efficiency.<sup>72</sup>

Rauschenbusch and Ryan grounded their theories of justice differently: Rauschenbusch in the redeemed natural human instinct for love, and Ryan in the dignity of rational human nature. Both, nevertheless, formulated criteria for justice that were intended to discriminate between human interests in opportunities for developing excellences of character and human interests and institutions that are obstacles to self-development. In this view of justice, both differed from Niebuhr. Niebuhr started with an ideal of love and perfect justice beyond self-interests and hoped for a realistic balance of power that would approximate this social ideal. For many Protestants, interpreting Rauschenbusch through the lenses of Niebuhr's understanding of Christian love has caused Rauschenbusch's social gospel to lose, as it did for King, a good deal of its glow. From this Niebuhrian perspective, it is difficult to discern the similarities between Rauschenbusch's Protestant theory of justice and Ryan's natural law theory of justice. I maintain that there are similarities. Both thought that just institutions should secure every individual opportunities to develop her natural interests. This view of justice, I contend, is worth retrieving.

The notion of equal or fair opportunity has a strong hold on the American conscience. Like Rauschenbusch's idea of democracy, the idea of opportunity has a foothold in American institutions and culture,<sup>73</sup> even though it is far from being fully realized. The problem is that, despite a consensus that every individual should have opportunities, we disagree about what constitutes opportunity. Ryan noted this disagreement. Citing declarations for equal opportunity in speeches by Hoover and Roosevelt during the 1932 Presidential campaign, Ryan observed that they meant something quite different by opportunity: Hoover was calling for freedom from government restrictions on economic ambitions, while Roosevelt was insisting that government provide individuals a reasonable minimum of economic goods.<sup>74</sup>

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71 *Id.* at 334.

72 *Id.* at 195-96.

73 For one important instance of how the idea of equality of opportunity has influenced legislation, see Millon, *The Sherman Act and the Balance of Power*, 61 S. CAL. L. REV. 1219 (1988). Millon demonstrates that preserving economic opportunity was a crucial intention of the legislators who passed the Sherman Act of 1890.

74 J. RYAN, *Americanism: The Counterfeit and the Genuine*, in SEVEN TROUBLED YEARS,

Due in large measure to their understanding of the interdependent and communal nature of human life as ordered by God, Ryan and Rauschenbusch argued vigorously that an understanding of equal opportunity like Hoover's is incoherent. If some individuals are free to pursue unlimited power and wealth, they necessarily limit opportunities for others. For Rauschenbusch and Ryan, guaranteeing that positions are open to the most qualified persons, without regard to race, sex, and so on, is insufficient to secure equality of opportunity. They would agree with the view expressed by the moral philosopher John Rawls that "genuine equality of opportunity" requires that society "give more favorable attention to those . . . born into the less favorable social positions."<sup>75</sup> But, even mitigating the effects of these social disadvantages is not enough. Rauschenbusch and Ryan also believed that the positions open to qualified persons must be designed to foster opportunities for individuals to develop excellences of character. Hence, they advocated industrial democracy and reorganization of the economic order to increase worker participation and cooperation in the economic life. Justice requires more than an equitable distribution of income and wealth; it also requires institutions that nurture human excellence. There are dangers in this notion of opportunity. Institutions designed to promote a particular view of the good for some individuals may restrict others' freedom to pursue different life plans. Liberal philosophers like Rawls have warned us of this danger.<sup>76</sup> On the other hand, if our institutions necessarily encourage some habits of character and discourage others, which Rawls concedes,<sup>77</sup> opportunities for acquiring any idea of excellence require institutional support. We need to be conscious of which personal values our institutions foster or discourage. The view of some liberals that institutions should not favor any conception of what is good for individuals

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*supra* note 39, at 223, 224.

<sup>75</sup> J. RAWLS, *A THEORY OF JUSTICE* 100 (1971). Rawls' expanded notion of equality of opportunity can be used to justify legal and social policies that may be precluded by the idea of opportunity as positions open to the most qualified persons. David A. J. Richards has employed Rawls' understanding of equality of opportunity to argue for the justice and constitutionality of a variety of preferential programs for disadvantaged groups. See Richards, *Reverse Discrimination and Compensatory Justice*, in *THE VALUE OF JUSTICE* 101, 116-37 (C. Kelbley ed. 1979).

<sup>76</sup> David Hollenbach, S.J., discusses this liberal criticism (including Rawls') of communitarian thought in Hollenbach, *The Common Good Revisited*, 50 *THEOLOGICAL STUD.* 76-78 (1989).

<sup>77</sup> Rawls, *The Basic Structure as Subject*, 14 *AM. PHIL. Q.* 160 (1977).

may deny some persons opportunities to acquire desirable virtues.

Ryan's and Rauschenbusch's understanding of equal opportunity poses challenges to American institutions that are exceedingly difficult to discern from the perspective of justice as a balance of power among competing interests. Do the relations among owners, managers, and workers offer opportunities for workers to develop economic and moral skills that enhance their good and contribute to the common good?<sup>78</sup> Perhaps corporate, union, and legal support for revised versions of Ryan's and Rauschenbusch's proposals for economic democracy are required to provide workers opportunities to develop the qualities of character of which they are capable. Does financing education through local property taxes provide equal opportunities for children in districts with a low tax base?<sup>79</sup> Do educational institutions, especially professional schools that stress religious and moral neutrality, foster opportunities for individuals to develop desirable qualities of character?<sup>80</sup> If publicly financed education precludes fostering important moral values, does it impede the opportunity for many persons to cultivate crucial moral qualities?<sup>81</sup>

Students of Martin Luther King are increasingly emphasizing

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78 This question is receiving attention in recent literature, some of it from a moral perspective. See, e.g., NATIONAL CONFERENCE OF CATHOLIC BISHOPS, ECONOMIC JUSTICE FOR ALL: PASTORAL LETTER ON CATHOLIC SOCIAL TEACHING AND THE U.S. ECONOMY ¶¶ 298-306, at 147-52 (1986).

79 See Justice Oscar Mauzy's opinion in *Edgewood Indep. School Dist. v. Kirby*, 777 S.W.2d 391 (Tex. 1989), in which the Supreme Court of Texas declared the Texas system for financing public education unconstitutional. Essentially the same plaintiffs were denied relief under the equal protection clause of the thirteenth amendment in *San Antonio Indep. School Dist. v. Rodriguez*, 411 U.S. 1 (1973). Differences of opinion on what constitutes equality of opportunity for disadvantaged children are apparent in these cases.

80 Thomas L. Shaffer has criticized professional schools for seeking a sham competence for the sake of serving a client's interests, a goal that hinders opportunities for developing the virtues of truthfulness and friendship that serve the well-being of students and clients in relation to the larger community. See T. SHAFFER, FAITH AND THE PROFESSIONS 229-67 (1987).

81 Rawls' notion of equality of opportunity appears to justify a radical restructuring of the present unequal financing of education among school districts. See Amy Gutmann's interpretation and criticism of Rawls' conception of justice applied to the distribution of primary education in *DEMOCRATIC EDUCATION* 131-34 (1987). Ryan's and Rauschenbusch's broadening of opportunity to include institutional means for developing excellences of character expands the scope of justice to address my questions about economic democracy and moral education that Rawls' conception of justice intentionally excludes for fear of restricting individual liberties. I am not prepared to proffer resolutions to these issues. I wish only to illustrate how Ryan's and Rauschenbusch's understandings of opportunity shed light on our thinking about what justice requires.

the significance of his turn, in the mid-sixties, from a focus on civil rights to a view that a reform of the economic order was necessary to solve the race problem. I believe the notions of opportunity formulated by Rauschenbusch and Ryan could have provided a significant resource for King's attack on economic injustice.

